

United States District Court
Western District of New York

Case No. 22-CV-

Sanya Drinks - Bruder
Plaintiff

vs

City of Niagara Falls, et al,
Defendants



Motion opposing Memorandum of Law
in Support of Defendants' motion to
Dismiss in Document 15-1

First off I must say that I (Sanja Drinke-Bruder) am a prose plaintiff, but should not be. I have been denied many civil rights that included me being fairly represented and/or allowing it. I am and have been proving facts which does have proof. The proof I was and will provide is during discovery. I have not written most of the harassment, retaliation, adverse actions and hostile environment that are under discrimination. The reason why is what I have stated previously is it would be over 300 pages which would include documents, recordings providing the proof and these many pages are not allowed as well.

Mr Hickey (defendants' attorney) from document 15-1 says in his own words that I am in a protected class on page 1. He therefore admits to knowing this, I have provided facts and truthful statements that are not gripes but are retaliation, harassment, adverse actions that are severe and pervasive against me. This is discrimination. The facts are supported by the actions of the defendants who are all white against me who is a black person. These actions plus many more by supervisors, the City of Niagara Falls and coworkers are more than simple gripes. They are severe and pervasive and has

caused me major harm professionally, emotionally and financially which has placed me as a prose black plaintiff unlike all the current defendants who are white are represented by the backing of the City of Niagara Falls and/or the Niagara Falls Police Club. A fact here is that it is known that the City of Niagara Falls/John Faso and Thomas Licata violated my due process under the color of law on January 10 2020 and continued to. Other defendants mentioned also acting under the color of law within my complaint did wrong and the actions was known as wrong. But again unlike plaintiff who is black and always discriminated against the white defendants ALWAYS received PROPER representation like now.

Mr. Hickey also says I did not provide enough details on my complaint. I did what I believed #19 on the discrimination complaint said to do which states to be "as briefly as possible the facts".

Now Regarding Argument

A.-F. on Document 15-1

Mr. Hickey's arguments are untruthful and are of opinion and do not constitute any bases for dismissal of any or all of this case. Mr. Hickey's arguments

is only saying my truthful facts lack truth. Mr. Hickey has no facts, evidence or proof in his argument showing or proving that my facts are untruthful. I did not provide more evidence as I stated earlier and prefer not to give any evidence more than I have unless it is within the court during discovery. Another important fact is that the City of Niagara Falls and the Niagara Falls Police Club threaten me by telling me if I did not drop my complaints and just retire I would lose benefits plus my medical insurance for myself and family. I did agree with them that medical insurance and other benefits for me and my family are important. So I did try to retire and drop my complaints but the fact is I was black and not allowed what the white employees were given if they would retire which is what was allowed by another white employee who had a lawful section 72 proceeding and agreed to retire. I have evidence showing this which can also be told to you from my supposed attorney Mr. Boreanaz who is now representing three defendants within complaint 22-cv-00725.

When I filed my first complaint (which is not this one within Federal court) I asked what was needed from my New York State Division of Human Rights (NYS DH R) case involving the paperwork. I was told

to only give the right to sue letter and the original Complaint which I did. I believe it needs to be known that there are many more documents including rebuttals, responses etc. that I was told was not needed for my cases which I find is wrong. The reason I am saying this is because NYSDHR believed there maybe probable cause against the City of Niagara, etc. I had waited from January 13 2020 until April 2022 for settlement hearing with NYSDHR and the City of Niagara Falls to take place. This settlement hearing did not work because instead of just the discrimination hearing as was told it also involved a global settlement that must take place between myself and the City of Niagara Falls. I refused a settlement because I did not know what a global settlement was. This resulted in me not being able to retire again. Due to financial hardship at this point I could not wait until the probable cause hearing which would not be scheduled until after (January 20 2023) but late December 2022 or longer was said by the NYSDHR judge. My case falling under the continued doctrine made me okay with time but not with finances,

I plaintiff do ask the courts for an allowance of an oral argument by trial. This would be fair to all parties and allow all facts, evidence to be presented fairly. Especially because there is no statute of limitation regarding the discriminatory actions against me because of the severe and pervasive continuation of discrimination. I have suffered a great magnitude. I have been put in unnecessary imminent danger and I have proof that the white officers unlike me were not put in the same danger doing the same post. I have been placed in freezing cold unnecessarily and wrongly as punishment for hours that did cause me to have medical treatment through workers compensation that caused me permanent injury to my hand from a severe frostbite. I was forced to work alone in a dangerous situation and was denied back up/assistance when it was available but not for me. I was written up for not being able to direct traffic alone on a rainy morning rush hour traffic at a five lane highway with two intersecting roads. I was written for allegedly putting white male officers lives in danger but there was no concern about my safety a black female officer. No officer ever works a dangerous post like this especially when I was forced in overtime and had the highest sensitivity within the shift.

Another important fact is that Christopher Mazur (defendant) is the City of Niagara Falls attorney (city employee). Christopher is also in charge of the discrimination committee who has failed to EVER speak with me on any complaint I filed with the city for discrimination. The complaint would just be ignored. Christopher's response to NYSDHR about why he never responded to my complaint was the City of Niagara Falls has a discriminatory policy and therefore we do not allow discrimination. Mr. Mazur is also stage two of the Niagara Falls Police Club grievance procedure. He is the person who the grievance is sent to to be addressed if action is not satisfied in stage one. Mr. Mazur never followed procedures of stage two for me. Stage two was always ignored by Mr. Mazur unlike white parties who would file grievances. So stage one would be ignored by the Chief (and the union would allow this). Then stage two by Christopher Mazur and it would move to New York State Perb. Perb would allow the arbitrary, bad faith and discrimination actions to take place against me. Perb prior but in 2021 gave me proof they denied me due process on many improper practice

Charges. Mr. Mazur did violate section 1983 because he acted with governmental officials in violating federal laws by allowing the discrimination, being discriminatory and himself not giving me due process. This is just the start of what the discrimination I have had to endure. I had seniority over many I was denied everything while all other white employees who requested would receive it even if I had seniority. I have been told to get the "FUCK OUT OF MY OFFICE" when I told the truth. I was told I would get repercussions and I was pissing him (a lieutenant) off so I needed to leave the room. Again I was telling the truth. Everytime I told the truth I was punished and not treated fairly or equally. I deserve equal rights but never got them and this is why we have these cases. This is a serious matter that involves me and my entire family. I am continuing to suffer because of wrongful discriminative harassing actions taken against me. *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

I plaintiff am covered under title VII as well as 42 U.S.C. 1983 and the continuing doctrine violation rather the continuing violation doctrine. The City of Niagara Falls failed to give me due process on January 10 2020

by using the color of law which was an adverse action because I started I was going to file a discrimination complaint against the Niagara Falls Police Dept on December 5 20~~19~~¹⁹ when I was called to the Chief's office (while I was at headquarters off duty) to talk about a November 18 2019 discrimination claim I had with a prisoner and my coworkers. I was told to see a mental doctor. I said I was okay and needed no mental health evaluation. I stated I have been called a nigger before by ~~some~~^{some} inmates, citizens and dealt with it. It is when your co worker is involved with it that it is different. To understand this he was told you had to be black. I then left his office.

On December 13 2019 I then had a hearing that was from a write up by officer Spagnola (defendant within this case) who was a party that did discriminate against me on November 18 2019. The write up against me was saying that what I said to the white female prisoner caused her to take the physical actions against me which if she had aimed better could have caused me serious injury. This is what Spagnola wrote but it was not true. It was only

written in retaliation because I was filing a discrimination complaint against him. There is a police report Spagnola wrote saying the truth of what happened on November 18 2019. There is another report Spagnola wrote in December 2019 changing what he said in November 2019. Spagnola lied and the Chief and Deputy Chief stated that what Spagnola stated was found true about me and that what I stated against him was unfounded. His report about me went into my personal file. My report about him for discrimination was ignored and no one ever talked to me about it. Again it was ignored with the evidence against him. This was because he was white and I am black. The charges that I placed against the prisoner with my brass in November 2019 I found in January 2021 that charges had been sealed and ~~lowered~~ by the City of Niagara Falls Court. I was never able to go to the courts and threaten if I tried so I did not. I was told that I could only go to the courts if I was contacted which again violated my rights. The City prosecutor was faxed and mailed letters from me to contact me and that the City of Niagara Falls was

denying me the right to come to the courts unless he called me. The city prosecutor never did contact me. I also found that the City of Niagara Falls asked that all charges be dropped against the racist prisoner and they were. How much more severe and pervasive needs to be said. Every day I went to work I was discriminated against in some way. All I tried to do was defend myself and all I got was unfair treatment when I tried. Michael Lee knew what Spagnola did and agreed with it, just like Spagnola knew what Michael Lee did to me and agreed with it. All these actions were under the color of law. These are facts. I am asking this court to provide justice to me for the unlawful discriminatory actions, willfully and calculated forced upon me. Everytime I was ordered back to work after the first unlawful 72 proceeding it was not in fact back to work as I was told. See Exhibit A a letter stating suspension ends and a date to return to work. After I would return to work on the return date instead I was given a unlawful 72 proceeding and I would refuse an order to have a mental and medical exam. because I was never given the

reason why that were truthful. It was only the same four page paper stating allegations with no name, date, times etc. and no one would talk to me ever about this four page paper. Each time I believed I might be returning to work this time. It was not. On the day I would return to what I believed was work instead after one question and me only allowed to say yes or no (which I did say a little more) I would be suspended unlawfully again and Exhibit B (Officer complaint's (\$)) and attached with it is my 7 page response to it that I wrote and mailed in later. I asked for the 72 proceeding information by foil and in person and both times it was denied. Again I ask the Court to move forward and pursue this case in the name of justice and equality and not fall pray to the untruthful spin of the defendants with their attorney Mr. Hickey. The defendants are guilty. This is evident beyond doubt and they must be held accountable for their willful, unlawful unconscionable acts of grievous discrimination.

What I plaintiff/complainant Dinks-Bruet am seeking is but not limited to:

- Be allowed to retire with full benefits as all other employees did

- Expunge Decertification that was a adverse action
- Monetary Compensation for emotional pain and suffering
- All legal actions to cease and desist by all parties involved in anyway.

I also asked that I am allowed to amend this complaint if needed.

Sanya Davis - Bruker

City of Niagara Falls Police Department

Deputy Superintendent John Faso
Niagara Falls Police Department
1925 Main Street
Niagara Falls, NY 14305
716-286-4533



Officer Sanja Drinks-Bruder,

This letter is to serve as notice that as per our meeting this morning and per Chief Licata, you are suspended without pay for a period of thirty (30) days to begin on October 21, 2020 and end on December : **YOU ARE TO RETURN TO WORK ON December 2, 2020.** As per general order 116.00, in those instances where discipline penalty includes a period of suspension without pay, Department policy requires the individual to the penalty was assigned to serve the specified time period of suspension without pay. Under no circumstances shall personnel be permitted to surrender or "trade" accumulated leave in lieu of actually serving the imposed period of suspension without pay. Additionally, the imposed period of suspension without pay shall be served consecutive workdays. This rule ensures consistency in the application of penalties. If a suspension without pay falls on a holiday, personnel shall not be given consideration as to holiday pay or compensatory time.

A handwritten signature in black ink, appearing to be "J. Faso", written over a horizontal line.

9 pages 0 Exhibit

NIAGARA FALLS POLICE DEPARTMENT OFFICER COMPLAINT REPORT

Complaint Name: Superintendent John FasoSex: M

PRINT

Race: CaucasianAddress: 1925 Main StCity: N.FState: NYZIP: 143Phone: 716 286 4711

HOME

CELL

Email: _____

Officer's Name: Sanja Drinks-Bruder**Nature of Complaint:**

NFPD, Rules of Conduct- 115.00, 8E and 8F. (8) Unbecoming Conduct. (E) Members shall not be insubordinate. (F) Members shall not willfully disobey rules, regulations or orders.

On Wednesday September 22nd 2021, Officer Drinks-Bruder was ordered by NFPD Superintendent John Faso to undergo a medical and mental health evaluation to determine whether officer Drinks-Bruder was fit for duty as a police officer. This action was approved by the city of Niagara Falls Civil Service Commission as well as the city of Niagara Falls Human resource department. Officer Drinks-Bruder did refuse the direct order given to her by Superintendent Faso. This is the fourteenth time officer Drinks-Bruder has refused to follow the direction given by Superintendent Faso and the civil service commission requiring her to submit to the evaluation before returning to work. Officer Drinks-Bruder's actions are in direct violation of the rules and conduct of the NFPD as stated above.

Reporting Person: Captain J Michael CorcoranLocation of Alleged Incident: 1925 Main st, N.F. NYDate of Incident: 09 22 2021Time of Incident: 0815Date Report Turned In: 09 22 2021Time Report Turned In: 0830 AMWitness: Superintendent Faso

Phone: (____) ____ - ____ HC

Address: 1925 Main St

Phone: (____) ____ - ____ CE

Witness: _____

Phone: (____) ____ - ____ HOI

Address: _____

Phone: (____) ____ - ____ CEL

x _____

Signature of Commissioner of Deeds / Notary Public Expires

x Capt J Michael Corcoran

Signature of Reporting Person – Date of Birth

Signed to and Subscribed Before Me:

This Day of _____, 2011

Complaint Name: Superintendent John Faso

PRINT

Sex: Male

Race: Caucasian

Address: 1925 Main Street

City: Niagara Falls

State: NY

ZIP: 14305

Phone: (716) 286-4711

HOME

CELL

Email: _____

Officer's Name: Sanja Drinks-Bruder

Nature of Complaint: Rules and Regulations of the Police Division of the City of Niagara Falls
Article 1. Section 6- Department and Conduct

1. Officers shall conduct their private and professional lives with dignity and in such a manner to avoid bringing the department into disrepute. No officer shall act in any manner or perform any act that is prejudicial to the good order, discipline or reputation of the department, whether said act is specifically prohibited by any rule or order. They shall maintain a loyalty to the department and tier associates as is consistent with the law.

Article 7. Section 1 – Rules of Conduct

1. Any officer violating his oath and trust by committing an offense punishable under the constitution or statutes of the United States, State of New York or city of Niagara Falls or any officer violating any provision of the Rules and Regulations or General Orders, disobeys any lawful order or is incompetent to perform his duties, is subject to appropriate disciplinary action.

Reporting Person: Captain J Michael Corcoran

Location of Alleged Incident: 1925 Main Street

Date of Incident: 09 \ 22 \ 2021

Time of Incident: 08:15hrs

Date Report Turned In: 09 \ 22 \ 2021

Time Report Turned In: 08:30hrs

Witness: Superintendent Faso

Address: 1925 Main Street

Phone: (____) _____ - _____ HO

Phone: (____) _____ - _____ CEL

Witness:

Address:

Phone: (____) _____ - _____ HON

Phone: (____) _____ - _____ CELL

X _____

Signature of Commissioner of Deeds / Notary Public Expires

X _____

Print Commissioner Name & PR#

X 

Signature of Reporting Person – Date of Birth

Signed to and Subscribed Before Me:

This Day of _____, 2011

Complaint Name: Superintendent John Faso

PRINT

Sex: Male

Race: Caucasian

Address: 1925 Main Street

City: Niagara Falls

State: NY

ZIP: 1430

Phone: (716) 286-4711

HOME

CELL

Email: _____

Officer's Name: Sanja Drinks-Bruder

Nature of Complaint: Rules and Regulations ctd....

2. Any officer of the department may be discharged or suspended from the department, may be subject to reprimand, reduction in rank or other disciplinary action, pursuant to provisions of current collective bargaining agreements and article 75 of the New York State Municipal Law, upon being found guilty of:

- a. Disobeying any lawful order, or insubordination
- k. Conduct detrimental to the good order of the Police Department or that which br discredit upon the Department, or
- n. Conduct unbecoming an officer

On Wednesday September 22, 2021, Officer Drinks-Bruder did disobey a direct order which given by Superintendent Faso. This order was lawful and proper and upon disobeying that order, Officer Drinks-Bruder did violate the aforementioned Rules and Regulations of the Pc Division of the City of Niagara Falls NY.

Reporting Person: Captain J Michael Corcoran 16514

Location of Alleged Incident: 1925 Main Street Niagara Falls NY 14305

Date of Incident: 09 \ 22 \ 2021

Time of Incident: 08:15hrs

Date Report Turned In: 09 \ 22 \ 2021

Time Report Turned In: 08:30hrs

Witness: Superintendent Faso

Address: 1925 Main Street

Phone: (____) _____ - _____ HOM

Phone: (____) _____ - _____ CELL

Witness:

Address:

Phone: (____) _____ - _____ HOM

Phone: (____) _____ - _____ CELL

x _____

x *Capt J M Corcoran*

Signature of Commissioner of Deeds / Notary Public Expires

Signature of Reporting Person – Date of Birth

Signed to and Subscribed Before Me:

This Day of _____, 2011

x _____

Print Commissioner Name & PR#

9/29/30

Response to officer complaint dated 9/22/2021
115.00 8E and 8F

Response to complaint written by OPS Cpt. Corcoran from Chief Faso given to me by Cpt. Corcoran the section 10/suspension meeting that was on 9/22/2021. I will still contend that the reasons given by the City (at time) Deputy Faso and Chief Licata for their insistence of me submitting to a mental and physical evaluation are a breach of the CBA and therefore is unlawful and warrantless, therefore the continuing statement that I am not fit for duty is not true. Also no proper hearings have ever taken place for the disciplinary meetings which I am told I am not / I am represented by the union but in fact I am not properly represented. I am still ordered to attend these meetings. I also did not ever disobey a legal direct order given by any supervisor.

Sec 2 page adden attached which is a total of 3 pages written also with response/determina

Addendum (9/29/2021)

9/27/2021

On 9/27/2021 it was the first day my children could attend school because of CDC travel restrictions. Due to this I did have to drop them off at school because of not knowing the correct bus which was going to make me a little late to the 8:00 AM scheduled meeting. I did (he) call and informed the union president Steven Kerfoot. I arrived at 8:10 AM and did leave my daughter in the car because she had to go to NCSD to file a rape report because I did not want it filed at Niagara Falls Police Dept. I was told to come inside and I did go and waited in the lobby. It was 8:35 AM and I was still in lobby so I did inform my daughter who was waiting on me that I was unsure of what was happening and if she needed help to contact her dad. Approx. five minutes later the union president let me in from the lobby and we (union president, Cpt. Corcoran, Deputy Taso and myself) went to the line up room to start the meeting. The same question was asked by Deputy Taso to me after Cpt. Corcoran made the opening remarks. I gave my same response that was no, I will not follow a unlawful direct order. Cpt. Corcoran mentioned that they had other matters and because I was late they took care of them first and that next time to contact sooner. The

meeting did end any both me and my daughter did head to Lockport to file a report. let it be known that while I was waiting in the lobby before the suspension meeting that an officer did see me and gave me my paystub that was from the last suspension meeting I had to attend on August 11, 2021. So I guess the city will not mail my paystubs to me as they should and the paystubs and any other important information someone from NFPD must give and/or inform me now.

Sonye Quirk-Bruder

Response to 115.8E and 8F 9/22/2021 and 2 page addendum

Signature: _____

Print: _____

Sanya Drink - Bruder
Sanya Drink - Bruder

Date: 9 / 29 / 21

Supervisor's Determination: () Sustained () Not Sustained () Exonerated () Unfounded () Policy Failure

Inv Start Date: ____/____/____

Inv End Date: ____/____/____

Report: _____

Action Taken: _____

Supervisor: _____

Date: ____/____/____

Signature: _____

Print: _____

Unit Commander: () Concur with Supervisor () Other

Supervisor: _____

Date: ____/____/____

Signature: _____

Print: _____

Administrative Captain Determinations: () Concur with Unit Commander () Other**Superintendent's Determination:** () Concur with Administrative Captain () Other

() Refer to OPS

Signature: _____

Date: ____/____/____

Print: _____

Distribution: () Superintendent () Administrative Captain () Unit Commander
() Supervisor () Individual () Personnel

9/29/2021

9/22/2021

Response to Page 1 of complaint report
dated 9/22/2021

Art 1 Section 6

The improper and unlawful activities by the NFPD (city) themselves are the ones bringing themselves into disrepute. The NFPD (city) has not honored the CBA contract, nor the proper policies and procedures. The NFPD (city) acts in manners that are prejudicial toward me. A known fact is when the NFPD (city) did state they wanted charges dropped from a white racial hatred prison that I charged and proof was given with two on duty officers who were white they did witness this. Now as of January 13, 2021 I am told that without involving me the charges I placed against defendants (white female) where I was also a victim has sealed charges and/or charges were low by the Niagara Falls City Court and prosecutor. Another fact is that the NFPD (union, city) allowed one of the officers spoken about above who is a union negotiator to lie about this racial incident after his original report (written) and no actions were taken against him.

Art 7 Section 1

1. I have not ever disregarded or disobeyed any lawful order or has any facts been given to writer that states I am incompetent to perform my duties.

Page 2 of officer complaint dated 9/27/20.
~~Let~~ 7 Section 1

2. Once again the NFPD (city) are stating that penalties are warranted when not following agreements and laws. So there when the NFPD (city) does not follow agreements and laws as they stated. It are the ones who are incompetent to perform their duties and subject to disciplinary actions. The direct order given again by Superintendent Faso to writer is not a lawful order and there that is not conduct unbecoming.

See attached response/determination sheet

Response to Art 1 Section 6 * Art 7 Section 1 * 1 and 2

Signature: _____

Print: _____

Date: 9 / 29 / 21

Supervisor's Determination:☐ Sustained ☐ Not Sustained ☐ Exonerated ☐ Unfounded ☐ Policy Failure

Inv Start Date: ____/____/____

Inv End Date: ____/____/____

Report: _____

Action Taken: _____

Supervisor: _____

Signature: _____

Print: _____

Date: ____/____/____

Unit Commander:☐ Concur with Supervisor ☐ Other

Supervisor: _____

Signature: _____

Print: _____

Date: ____/____/____

Administrative Captain Determinations:☐ Concur with Unit Commander ☐ Other**Superintendent's Determination:**☐ Concur with Administrative Captain ☐ Other☐ Refer to OPS

Signature: _____

Print: _____

Date: ____/____/____

Distribution:☐ Superintendent☐ Supervisor☐ Administrative Captain☐ Individual☐ Unit Commander☐ Personnel

Revised 05/01 WDNV

AFFIRMATION OF SERVICE

(If you are not having your signature notarized, use this form)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Sanja' Drinks - Bruder,

Plaintiff(s),

AFFIRMATION OF SERVICE

v.

22 -CV- 00725

City of Niagara Falls, et, al

Defendant(s).

I, (print your name) _____, served a copy of the attached _____
(state the name of your papers) Motion opposing Memorandum of Law
in Support of Defendants' motion to Dismiss in Document 15-1
Motion to Oppose defendants motion to dismiss and
Motion opposing memorandum of Law in support of defen
upon all other parties in this case to dismiss
by mailing ☒ by hand-delivering ☐ (check the method
used)

these documents to the following persons (list the names and addresses of the people
served)

Michael Hickey, Esq
The Avant Building Suite 900
200 Delaware Av
Buffalo, NY 14202-2107

Robert Borzanaz
42 Delaware Av
Buffalo, NY 14202

on (date service was made) _____

I declare under penalty of perjury that the foregoing is true and correct, to the best of
my knowledge, information and belief.

Executed on

March 21 2023

(date)

Sanja' Drinks - Bruder

Sara's Drink-Broder
3581 Gatlin Place Circle
Orlando, FL 32812

22-CV-725

United States District Court
Western District of New York
2 Niagara Square
Buffalo, NY 14202

